

BUPERSINST 1600.6
Pers-84
7 October 1996

BUPERS INSTRUCTION 1600.6

From: Chief of Naval Personnel

Subj: NAVY DESERTER APPREHENSION PROGRAM

Ref: (a) U.S. Code, Title 10
(b) Manual for Courts Martial, United States, 1984
(c) DOD Directive 1325.2 of 20 Aug 1979, Desertion and Unauthorized Absence (NOTAL)
(d) SECNAVINST 1620.7, Desertion and Unauthorized Absence (NOTAL)
(e) Naval Military Personnel Manual (MILPERSMAN)
(f) NAVPERS 15909F, Enlisted Transfer Manual
(g) SECNAVINST 5820.7B, Cooperation with Civilian Law Enforcement Officials
(h) SECNAVINST 5720.42E, Department of the Navy Freedom of Information Act (FOIA) Program
(i) SECNAVINST 5211.5D Department of the Navy Privacy Act (PA) Program
(j) SECNAVINST 1640.9A, Department of the Navy Corrections Manual
(k) DOD Directive 5500.7 of 30 Aug 1993, Standards of Conduct
(l) SECNAVINST 5500.29B, Use of Deadly Force and the Carrying of Firearms by Personnel of the Department of the Navy in Conjunction with Law Enforcement, Security Duties and Personal Protection
(m) SECNAVINST 5300.30C, Management of Human Immunodeficiency Virus-1 (HIV-1) Infection in the Navy and Marine Corps
(n) Joint Federal Travel Regulations (JTR)
(o) BUPERSINST 1001.39B, Administrative Procedures for Naval Reservists on Inactive Duty (NOTAL)
(p) COMNAVRESFORINST 1001.5B, Administrative Procedures for the Selected Reserve (SELRES) and Participating Members of the Individual Ready Reserve (IRR) (NOTAL)

Encl: (1) Naval Reserve Readiness Command Directory

1. Purpose. To issue the policies and responsibilities in accordance with references (a) through (p) for the Navy Deserter Apprehension Program (DAP).

2. Cancellation. NAVMILPERSCOMINST 1600.3.

3. Definitions. As used in this document, the following definitions apply.

a. Deserter Apprehension Program (DAP). The Navy's program for the apprehension of service members officially declared deserters.

b. Navy Deserter Information Point (DIP). The Navy's central focal point for the control, accounting, and dissemination of information concerning members administratively classified as deserters and those absent without authority for less than 31 days.

c. Navy Absentee Collection and Information Center (NACIC). A Bureau of Naval Personnel (BUPERS) field activity, located at Navy Education and Training Center (NETC) Great Lakes, IL, whose mission is to operate the Navy DIP, investigate, cause the apprehension of, and escort Navy personnel administratively declared deserters.

d. Absentee. Any member of the Armed Forces not classified administratively as a deserter who is absent without authority from his or her unit, organization or other place of duty.

e. Deserter. A service member who has been administratively classified as a deserter. See article 3430100 of reference (e).

f. Detainee. Deserter/Absentee in the custody of a law enforcement agency or DAP escort.

g. Apprehension. The physical arrest or detention of another person.

h. Custody. Assuming control, from a law enforcement agency or military organization, of an individual apprehended for desertion from the Armed Forces.

4. Responsibilities

a. All Commanding Officers (COs)/Officers in Charge (OICs). Develop procedures at their command to ensure strict adherence to the requirements of the Navy Deserter Apprehension Program as provided in this instruction and Article 3430100 of reference (e). Enclosure (1) provides the addresses and phone numbers of the Naval Reserve Readiness Commands for inclusion in letters to notify members' next of kin (NOK) of his or her unauthorized absence and return to military control. Article 1600-040 of reference (e) refers.

b. Director, Corrections and Programs Division (Pers-84). Develop policies, issue standard operating procedures, and develop other directives as needed for the apprehension of deserters. Provide oversight of the Deserter Apprehension

Program and NACIC Great Lakes.

c. OIC, NACIC Great Lakes. Ensure unit functions are executed in accordance with references (a) through (p) and supplemental directives issued by Pers-84. Responsible for operation of the Deserter Information Point, escort of deserter/absentees, investigation of active deserter cases, documentation of desertion cases in the Navy's enlisted database, and maintenance of all records of Navy personnel administratively declared a deserter. Act as liaison with civilian law enforcement and military agencies in regard to members administratively declared deserters.

d. Commanders, Naval Reserve Readiness Commands (REDCOMs). Ensure assistance and counsel is provided to an absentee's NOK in accordance with Article 1600-040 of reference (e).

e. Escorts. Safety of the absentee/deserter and escort is of primary concern. NACIC is responsible for escorting deserters apprehended by civilian law enforcement agencies. Commands can request approval from Pers-84 for NACIC to escort deserters already in the custody of military authorities or absentees if unusual circumstances warrant their expertise. Cost of travel of NACIC escorts will be funded by the Bureau of Naval Personnel. Cost associated with an absentee's or deserter's transportation shall be charged to the pay account of the individual member. Refer to reference (n).

5. Policy. Every practical effort shall be made to apprehend absentees and deserters as expeditiously as possible. To achieve this end, vigorous efforts shall be made at the unit and other appropriate levels to investigate the facts and circumstances surrounding absences, to initiate apprehension actions, and to expedite appropriate notification procedures.

6. Requirements

a. Escorts

(1) Escort Ethics. NACIC escorts shall not use their badges, credentials or official status for private gain and shall refrain from use of alcoholic beverages while performing escort duties.

(2) Detainee Advised of Rights. Because the detainee is not generally interrogated by the escorts concerning the charges he/she is suspected of committing, it is not necessary to advise the detainee of his/her rights under Article 31, Uniform Code of Military Justice (UCMJ). The escorts will advise the detainee that he/she is suspected of desertion or being absent without authority in violation of the UCMJ Article 85 or Article 86.

Additionally, the escorts will warn the detainee of the seriousness of an attempted escape in violation of Article 95, UCMJ. If at any time during the mission the detainee begins a spontaneous/unsolicited comment/statement about the circumstances surrounding the charges against himself/herself, the escorts will immediately administer the advice of rights under Article 31.

(3) Search of Detainees. The purpose of the search is to ensure that the detainee does not have any weapons or contraband, is not infested with body insects, and has no obvious injuries. Military Rules of Evidence, MCM, Article 314g provides the authority for searches incident to a lawful apprehension. All precautions should be taken to avoid the risk of physical or legal jeopardy to the escort.

(4) Detainee's Personal Gear and Medication. Items beyond the capacity of any overhead compartment on airplanes will be left at the detention facility for later pick-up by a representative of the detainee. Personal items taken with the detainee and escorts will be inventoried, accounted for, and secured during transport.

(5) Movement of Detainees. Escorts will take precautions to ensure the safety of the detainee, escorts and general public.

(6) Escape. Escape of detainees should be considered serious and reported immediately to higher authority; however, action will not be taken that could reasonably be expected to endanger the life or well being of the escort or innocent bystanders.

(7) Posse Comitatus. Personnel assigned to NACIC, when acting as escorts or in any other capacity, have no authority to initiate or participate in police related activities. (Reference (g) refers).

(8) Armed Escorts. Escorts will not normally be armed. If required, Pers-84 will authorize and coordinate armed escorts.

(9) Use of Force/Deadly Force. Use of force/deadly force will be applied strictly in accordance with reference (1).

(10) Transportation of Females. Female deserters/absentees will normally not be transported with males of the same status and will be accompanied by at least one female escort. Exceptions to this rule shall be requested from Pers-84.

(11) Human Immunodeficiency Virus (HIV) Antibody Positive Absentee. HIV antibody positive detainees will be processed on a case-by-case basis. Special considerations include determination of HIV status and appropriate disposition regarding treatment.

The HIV status of any deserter/absentee is considered confidential and will only be disclosed to official parties with a documented need to know.

(12) Escort Training. Training for escorts will consist of both pre-service and in-service training. At no time will trainee staff be permitted to perform any task without qualified supervision. Should the NACIC be tasked with a detainee move or other procedure for which there are not sufficient staff, Pers-84 should be contacted for assistance.

b. NACIC Equipment Accountability. Designated equipment within the DAP program will be accounted for on a NAVSUP 306, Controlled-Equipage Custody Record. The OIC will personally conduct an annual sight inventory of each piece of equipment and record the results on the NAVSUP 306. The OIC of NACIC has overall responsibility for vehicles assigned to the unit. He/she is responsible for assuring that unit vehicles are properly maintained, operated in a safe manner and not used for unauthorized purposes. Use of vehicle credit cards will be carefully controlled.

c. Oversight/Inspections. The NACIC will be inspected by Pers-84 staff at least annually. Results of the inspection will be provided to OIC of the NACIC along with a time frame for correction of noted discrepancies. Technical assistance visits will also be provided by Pers-84 based upon request or other determination of need by the interested parties.

d. Reserve Chaplain Assistance. Assistance to the NOK of deserters/absentees shall be provided as follows:

(1) CO/OIC will provide a copy of the NOK notification letter required by Article 1600-040 of reference (e) to the appropriate REDCOM, enclosure (1). Additionally, COs/OICs will promptly notify the REDCOM of a absentee's return to military control.

(2) REDCOM chaplains will notify the reserve chaplain nearest the NOK of the member's absence or return from absence. The REDCOM chaplain will provide administrative support to the reserve chaplains including proper training, reimbursement for postage and official telephone calls, and retention of records of contact with NOK for 3 years from date of contact (references (o) and (p)).

(3) Reserve chaplains will provide necessary assistance and counsel to the NOK assigned. Reserve chaplains will receive appropriate participation credit as authorized by Commander, Naval Reserve Force, reference (p).

7. Forms. Navy commands will utilize the following forms when directed to escort or receive an apprehended deserter or absentee.

a. The following forms are available at the Naval Inventory Control Point using requisitioning procedures contained in CD-ROM NAVSUP Pub 600(NLL), Navy Stock List of Publications and Forms.

DD 367 (DEC 57), Prisoner's Release Order
(S/N 0102-LF-000-3670)

DD 553 (SEP 89), Deserter/Absentee Wanted by the Armed Forces (S/N 0102-LF-008-3900)

DD 629 (MAR 58), Receipt for Prisoner or Detained Person
(S/N 0102-LF-000-6290)

DD 1351-2 (OCT 91), Travel Voucher or Sub-voucher
(S/N 0102-LF-016-2900)

DD 1970 (APR 81), Motor Equipment Utilization Record
(S/N 0102-LF-001-9701)

NAVCOMPT 2277 (FEB 81), Voucher for Disbursement and/or Collection (S/N 0104-LF-003-0800)

OPNAV 5527/1 (DEC 82), DON Incident/Complaint Report
(S/N 0107-LF-055-2705)

OPNAV 5527/1A (FEB 83), DON Navy Traffic Accident Report
(S/N 0107-LF-055-2707)

OPNAV 5527/2 (DEC 82), DON Voluntary Statement
(S/N 0107-LF-055-2710)

OPNAV 5527/3 (DEC 82), DON Military Suspect's Acknowledgement and Waiver of Rights
(S/N 0107-LF-055-2715)

OPNAV 5527/6, (DEC 82), DON Investigative Notes
(S/N 0107-LF-055-2730)

OPNAV 5527/22 (DEC 82), DON Evidence/Property Custody Receipt (S/N 0107-LF-055-2810)

b. The following forms can be ordered through your local GSA office.

Standard Form 91 (Rev 11-76), Operator's Report of Motor Vehicle Accident (USGOP 1986-191-248/20643)

Standard Form 1164 (NOV 77), Claim for Reimbursement for
Expenditures on Official Business (NSN 0104-LF-800-0077)

c. The following forms can be obtained through Federal Bureau
of Investigation (FBI) Identification Division, Washington, D. C.
20537-9700:

FD 249, FBI Fingerprint Card

R-84, FBI Final Disposition Report

LEE F. GUNN
Rear Admiral, U.S. Navy
Deputy Chief of Naval Personnel

Distribution:

SNDL A5 (CHNAVPERS) (Pers-84 only)
FR9 (NAVRESREDCOM REG)

Navy Absentee Collection and Information Center
Naval Training Center, Bldg 2
Great Lakes, IL 60088-5703 (20 copies)

Stocked:

Chief of Naval Personnel
Pers-84 Room 2803
Washington D.C. 20370-8400 (100 copies)

NAVAL RESERVE READINESS COMMAND DIRECTORY

Naval Reserve Readiness Command Region One
344 Easton Street
Newport, RI 02841-1515
DSN: 948-4460/3981
COMM: 401-841-4460/3981

Naval Reserve Readiness Command Region Four
Bldg 5957 New Jersey Avenue
Fort Dix, NJ 08640-8000
DSN: 944-7715
COMM: 609 724-7715

Naval Reserve Readiness Command Region Six
901 M Street SE
Washington Navy Yard BLDG 200-3
Washington, DC 20374-2003
DSN: 288-3850
COMM: 202-433-3850

Naval Reserve Readiness Command Region Eight
Naval Air Station
Box 90 Bldg 966
Jacksonville, FL 32212-0090
DSN: 942-2486
COMM: 904-772-2486

Naval Reserve Readiness Command Region Nine
7800 Third Avenue
Millington, TN 38054-5048
DSN: 966-5559
COMM: 901-873-5559

Naval Reserve Readiness Command Region Eleven
Naval Air Station
8100 W Jefferson BLVD Building 11
Dallas, TX 75211-9502
DSN: 874-6530
COMM: 214-266-6530

Naval Reserve Readiness Command Region Thirteen
2701 Sheridan Road
Great Lakes, IL 60088-5026

DSN: 792-5313
COMM: 847-688-5313

Naval Reserve Readiness Command Region Sixteen
715 Apollo Avenue
Minneapolis, MN 55450-2018
DSN: 825-5700
COMM: 612-725-5700

Naval Reserve Readiness Command Region Nineteen
960 North Harbor Drive
San Diego, CA 92132-5108
DSN: 522-1842
COMM: 619-532-1842

Naval Reserve Readiness Command Region Twenty-Two
Naval Station Everett
2000 West Marine View Drive, Bldg 2102
Everett, WA 98207-2600
DSN: 727-3338
COMM: 206-304-3338